

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Order Instituting
Investigation into the operations and practices of
Arnold Ray Baeza, an Individual doing business
as Best Movers,

Respondent.

Investigation 01-06-021
(Filed June 14, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
MEMORIALIZING THE MODIFIED SCHEDULE ADOPTED
AND OTHER RULINGS MADE AT THE NOVEMBER 28, 2001
PREHEARING CONFERENCE**

Schedule Modification/Waiver of Evidentiary Hearings

This ruling memorializes the modified schedule adopted at the November 28, 2001 prehearing conference (PHC). At that conference, counsel for Respondent Baeza, James Kosnett, stated his client was not prepared for the evidentiary hearings scheduled for December 3 through 5, 2001, because the parties were engaged in serious settlement negotiations and he understood from Consumer Services Division's (CSD) counsel's oral representations that he would request that the hearings be taken off calendar. CSD's counsel, Cleveland Lee, stated he did not believe he made such a representation. In order to ensure that respondent receives a fair opportunity to present his case, and with no objections from the parties, I granted a second continuance of the schedule as set forth below.

Additionally, at the PHC, both parties waived cross-examination and therefore, the need for evidentiary hearings. The parties agreed to submit the matter upon declarations and briefs. Therefore, the following schedule is adopted and supercedes that set forth in the September 10, 2001 ruling.¹ Specifically, the hearings scheduled for Monday through Wednesday, December 3 through 5, 2001, are taken off calendar.

Modified Schedule

Date	Event
Friday, November 30, 2001	CSD serves supplemental declarations of Ms. Carlyle and Mr. Waldorf.
Wednesday, December 19, 2001	Respondent Baeza serves declaration.
Friday, January 4, 2002	CSD serves rebuttal declarations.
Friday, January 18, 2002	Parties file concurrent opening briefs.
Monday, January 28, 2002	Parties file concurrent reply briefs; case submitted.

It is important that the parties **serve** the original and two copies of the declarations on the undersigned Administrative Law Judge (ALJ), and serve each other in such a manner that the declarations are received by the opposing party by the next day. Also, the briefs shall be filed with the Commission; in contrast, I will identify and mark the declarations as exhibits and receive them into evidence without the necessity of convening an evidentiary hearing according to the stipulations made at the November 28 PHC. I anticipate issuing a ruling after January 4 for this purpose.

¹ September 10, 2001 Ruling of Assigned Commissioner and Administrative Law Judge Modifying Schedule Previously Set in Scoping Memo and Adding an Additional Appearance.

The Evidentiary Record

Upon the service of the declarations, the record will consist of the following declarations:

CSD

1. Declaration of James H. Badgett and attachments A through R (this declaration was attached to the order instituting investigation);

2. Supplemental Declaration of William G. Waldorf with attachments, dated August 17, 2001 and served on respondent's counsel on August 28, 2001.

Please note that this declaration was inadvertently overlooked at the PHC.

3. Declaration of Ms. Carlyle and supplemental declaration of William G. Waldorf (to be served on November 30, 2001).

4. CSD rebuttal declarations (to be served by CSD on January 4, 2002 in rebuttal to respondent's anticipated December 19, 2001 declaration).

Respondent Baeza

1. Baeza declaration to be served on December 19, 2001.

CSD should provide the undersigned ALJ with the original Badgett declaration and the August 17 Waldorf declaration no later than January 4, 2002.

Additional Matters

At the PHC, counsel for CSD was directed to fax to respondent's counsel by close of business on November 28 a September 24, 2001 notice sent to respondent which, among other things, notified respondent that his cargo insurance was not current and he should not operate until he remedied the problem. On November 29, Mr. Lee notified the undersigned ALJ by e-mail that he had done so.

Also, as discussed at the PHC, no later than the close of business on Friday, November 30, 2001, respondent's counsel is directed to fax and mail a letter to

the undersigned ALJ indicating whether or not respondent has complied with the September 24, 2001, notice to cease operating pending resolution the cargo insurance issue. Respondent is to address his behavior from September 24 to the present and his anticipated future behavior. Additionally, respondent is directed to address this issue in his declaration to be served on December 19, 2001.

IT IS RULED that:

1. The schedule set forth in the September 10, 2001 ruling is modified as set forth in this ruling.
2. Upon stipulation of counsel at the November 28, 2001 prehearing conference (PHC), evidentiary hearings are not necessary. The parties stipulate to submitting this matter upon declarations and briefing as more fully set forth in the transcript of the PHC and as modified by this ruling. Particularly, this ruling states that Consumer Services Division's (CSD) initial showing shall also consist of the August 17 Declaration of William G. Waldorf which CSD served on respondent's counsel on August 28. This item was overlooked at the PHC.
3. The parties shall comply with the oral rulings at the PHC, including those summarized in this ruling at "Additional Matters."
4. CSD shall provide the undersigned Administrative Law Judge with the original Badgett declaration and the August 17 Waldorf declaration no later than January 4, 2002.

Dated November 30, 2001, at San Francisco, California.

/s/ JANET A. ECONOME

Janet A. Econome
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Memorializing the Modified Schedule Adopted and Other Rulings Made at the November 28, 2001 Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated November 30, 2001, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

I.01-06-021 JJJ/tcg